

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

HENRY W. ROEBEN

Plaintiff,

v.

HOME DEPOT,

Defendant.

ORDER

13-cv-641-wmc

The court has received a “Notice of Federal Lawsuit” from the plaintiff, Henry W. Roeben, who alleges age discrimination and wrongful termination by his former employer, Home Depot. In an abundance of caution, the court has filed this notice as a formal pleading or complaint for relief. The current state of these pleadings are deficient, which means this case cannot yet proceed, for two reasons.

First, plaintiff has neither paid the \$400 filing fee for a civil action in federal district court nor submitted a request for leave to proceed *in forma pauperis* without prepayment of the fee. Assuming that plaintiff wishes to proceed *in forma pauperis*, he will be required to complete the enclosed petition and affidavit to support a determination that he is entitled to proceed *in forma pauperis*. See 28 U.S.C. § 1915(a)(1).

Second, plaintiff has not filed his complaint on a form approved for use by this court. Before this court can entertain plaintiff’s claims, he must file a complaint setting out a short and plain statement of the facts underlying his claim for relief. See Fed. R. Civ. P. 8(a). He must also identify by name in the caption of that complaint all of the persons he intends to sue. To assist plaintiff, the clerk’s office will provide along with this order an approved form for use by *pro se* litigants filing a civil action in federal court.

ORDER

IT IS ORDERED that plaintiff Henry Roeben may have until October 4, 2013, to submit the following:

- (1) a complaint on the form provided by the clerk's office; and
- (2) the filing fee (\$400) or a properly supported request for leave to proceed *in forma pauperis* pursuant to 28 U.S.C. § 1915(a)(1).

Plaintiff is directed to respond to the best of his ability. If plaintiff fails to respond or comply as directed by October 4, 2013, the court will assume that he wishes to withdraw this action voluntarily. In that event, his case will be dismissed without prejudice under Fed. R. Civ. P. 41(a) and closed for administrative purposes without further notice.

Entered this 19th day of September, 2013.

BY THE COURT:

/s/
PETER OPPENEER
Magistrate Judge